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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,586	02/20/2004	Charles Randall Yates	2002-051	7723
54472 7590 09/15/2009 COATS & BENNETT/SONY ERICSSON 1400 CRESCENT GREEN SUITE 300 CARY, NC 27518				
EXAMINER GONZALEZ, AMANCIO				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
09/15/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/783,586

**Applicant(s)**

YATES ET AL.

**Examiner**

AMANCIO GONZALEZ

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In view of the Pre-Brief Appeal Conference decision on 07/07/2009, PROSECUTION IS HEREBY REOPENED. New ground of rejection applied as set forth below.

#### ***Disclosed Invention***

The present application discloses push-to-talk (PTT) communications between mobile terminals, and more particularly to PTT communications with local mobile terminals in a local area of an inviting mobile terminal.

#### ***Claimed Invention***

The present application claims:

As per independent **claim 42**, a push-to-talk controller in a wireless network for establishing a local ad hoc group session between an inviting mobile terminal and local mobile terminals, the push-to-talk controller comprising:

- a presence server configured to identify one or more local mobile terminals that are within a local area of an inviting mobile terminal;

- a group server configured to create an ad-hoc group for a local ad-hoc group session including the inviting mobile terminal and one or more of the local mobile terminals within the local area of the inviting mobile terminal; and

- a push-to-talk server configured to establish the local ad hoc group session between the inviting mobile terminal and the local mobile terminals in the ad-hoc group responsive to a request from the inviting mobile terminal.

As per independent **claim 55**, a method of establishing a local ad hoc group session in a wireless network between an inviting mobile terminal and one or more local mobile terminals, the method comprising:

receiving a request to initiate a local ad hoc group session from an inviting mobile terminal;

identifying one or more local mobile terminals that are within a local area of an inviting mobile terminal;

creating an ad-hoc group for a local ad-hoc group session including the inviting mobile terminal and one or more of the local mobile terminals within the local area of the inviting mobile terminal; and

establishing the local ad hoc group session between the inviting mobile terminal and the local mobile terminals in the ad-hoc group.

As per independent **claim 64**, a push-to-talk controller in a wireless network for establishing a push-to-talk communication session for a local ad hoc group comprising an inviting mobile terminal and local mobile terminals, the push-to-talk controller comprising:

a presence server configured to identify one or more local mobile terminals that are within a local area of an inviting mobile terminal;

a group server configured to create an ad-hoc group for a local ad-hoc group session including the inviting mobile terminal and one or more of the local mobile terminals within the local area of the inviting mobile terminal that are identified as being capable of communicating a specified media type; and

a push-to-talk server configured to establish the local ad hoc group session between the inviting mobile terminal and the local mobile terminals in the ad-hoc group responsive to a request from the inviting mobile terminal.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 42-47, 49-59, and 61-68** are rejected under 35 U.S.C. 103(a) as being unpatentable over Willey (US 20050124358 A1), hereafter "Willey," in view of Weisman et al. (US 6839417 B2), hereafter "Weisman."

Consider **claim 42**. Willey discloses:

a push-to-talk controller in a wireless network for establishing an ad hoc group session between an inviting mobile terminal and local mobile terminals (**see paragraph 0050, where Willey discusses a user equipment UE may initiate a push-to-talk over cellular (PoC) by sending an INVITE request to establish an ad-hoc group session**)), the push-to-talk controller comprising:

a presence server (**see paragraphs 0044 and 0047, where Willey discusses a system including a Push-to-talk (PTT) over Cellular (PoC) and a presence server**);

a group server configured to create an ad-hoc group for an ad-hoc group session including the inviting mobile terminal and one or more mobile terminals (**see paragraphs 0044 and 0050**); and

a push-to-talk server configured to establish ad hoc group session between the inviting mobile terminal and the mobile terminals in the ad-hoc group responsive to a request from the inviting mobile terminal (**see paragraphs 0044 and 0050, where Willey discusses wherein a user equipment UE may initiate a push-to-talk over cellular (PoC) by sending an INVITE request to establish an ad-hoc group session**)).

However, although Willey clearly discloses a system including a presence server wherein an end user may initiate a Push-to-talk (PTT) over Cellular (PoC), sending an invitation –INVITE request- for instant personal talk and ad-hoc instant group communication, Willey does not disclose or explicitly refer to identifying one or more local mobile terminals that are within a local area of an inviting mobile terminal.

Weisman, in related art, discloses identifying one or more local mobile terminals that are within a local area of an inviting mobile terminal **(see col. 8 lines 1-24, where Weisman discusses establishing ad hoc conference call with participants having geographic proximity to a location).**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Willey with the teachings of Weisman and have it include establishing ad hoc conference call with participants having geographic proximity to a location, thereby providing means for constraining participation to those likely to benefit from an ad hoc community generated by the conference call regarding an event or location (e.g. by promoting interchange of geographically local information such as traffic conditions, shortest queues, best restaurants, open party locations, etc.), as discussed by Weisman.

Consider **claims 43, 56, and 68**. Willey as modified by Weisman teaches claims 42, 55, and 64 respectively; and Willey further discloses determining whether a given mobile terminal is blocked from inclusion in the ad-hoc group based on a block list stored in memory at the group server and include the given mobile terminal within the

ad-hoc group if the given mobile terminal is not blocked (see Willey: paragraphs. 0046 and 0048, where Willey discusses a granted/blocked list in the group server).

Consider **claims 44, 47, 57, and 59**. Willey as modified by Weisman teaches claims 42, 46, 55, and 58; and Willey further teaches wherein the push-to-talk server sends an invite message to the mobile terminals in the ad-hoc group, and establishes the ad hoc group session between the inviting mobile terminal and the other mobile terminals in the ad-hoc group that respond to the invite message (see Willey: paragraph. 0050).

Consider **claim 45**. Willey as modified by Weisman teaches claim 42 and further discloses a server that receives the request from the inviting mobile terminal and forwards a list of the local mobile terminals identified by the presence server to the push-to-talk server (see Willey: paragraph 0048).

Consider **claim 46**. Willey as modified by Weisman teaches claim 42; and Willey further discloses wherein the group server is further configured to filter the local mobile terminals identified by the presence server based on a media type restriction to identify the local mobile terminals having specified media type capabilities for inclusion in the ad-hoc group (see Willey: paragraph 0050, where Willey discusses wherein an INVITE request on the Is interface of the PoC contains an "Accept-Contact" header with a media feature tag indicating the PoC service).

Consider **claim 49**. Willey as modified by Weisman teaches claim 42; and Weisman further discloses determining mobile devices location (see Weisman: col. 24 lines 53-62).



Consider **claim 50**. Willey as modified by Weisman teaches claim 49; and Weisman further discloses defining the local area based on the current location of the inviting mobile terminal (see Weisman: col. 8 lines 1-4).

Consider **claim 51**. Willey as modified by Weisman teaches claim 42; and Weisman further discloses defining a local area from the inviting mobile (see Weisman: col. 8 lines 1-4 and col. 10 lines 46-50).

Consider **claims 52 and 61**. Willey as modified by Weisman teaches claims 42 and 55; and Weisman further discloses identifying mobile terminals within the local area of the inviting mobile terminal by identifying local mobile terminals that are within at least a portion of the same cell as the inviting mobile terminal (see Weisman: col. 24 lines 58-60).

Consider **claims 53, 58, and 62**. Willey as modified by Weisman teaches claims 42 and 55; and Weisman further discloses identifying mobile terminals within the local area of the inviting mobile terminal by identifying local mobile terminals that are within a defined distance of the inviting mobile terminal (see Weisman: col. 8 lines 1-6).

Consider **claims 54 and 63**. Willey as modified by Weisman teaches claims 42 and 55; and Willey further discloses wherein the push-to-talk server comprises a memory (Willey: paragraphs 0044, where Willey discloses a Group and List Management Server); and Weisman further discloses updating groups of local mobile terminals identified as being within one or more local areas of the inviting mobile terminal (see Weisman: col. 14 lines 1-4).

Consider **claim 55**. Willey discloses:

a method of establishing an ad hoc group session in a wireless network between an inviting mobile terminal and one or more mobile terminals **(see paragraphs 0044 and 0050, where Willey discusses wherein a user equipment UE may initiate a push-to-talk over cellular (PoC) by sending an INVITE request to establish an ad-hoc group session)**, the method comprising:

receiving a request to initiate an ad hoc group session from an inviting mobile terminal **(see paragraph 0050, where Willey discusses wherein a user equipment UE may initiate a push-to-talk over cellular (PoC) by sending an INVITE request to establish an ad-hoc group session)**;

creating an ad-hoc group session including the inviting mobile terminal and one or more of the mobile terminals **(see paragraph 0050, where Willey discusses wherein a user equipment UE may initiate a push-to-talk over cellular (PoC) by sending an INVITE request to establish an ad-hoc group session)**; and

establishing the ad hoc group session between the inviting mobile terminal and mobile terminals in the ad-hoc group **(see paragraph 0050, where Willey discusses wherein a user equipment UE may initiate a push-to-talk over cellular (PoC) by sending an INVITE request to establish an ad-hoc group session)**.

However, although Willey clearly discloses a system including a presence server wherein an end user may initiate a Push-to-talk (PTT) over Cellular (PoC), sending an invitation –INVITE request- for instant personal talk and ad-hoc instant group communication, Willey does not disclose or explicitly refer to identifying one or more local mobile terminals that are within a local area of an inviting mobile terminal.

Weisman, in related art, discloses identifying one or more local mobile terminals that are within a local area of an inviting mobile terminal (**see col. 8 lines 1-24, where Weisman discusses establishing ad hoc conference call with participants having geographic proximity to a location**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Willey with the teachings of Weisman and have it include establishing ad hoc conference call with participants having geographic proximity to a location, thereby providing means for constraining participation to those likely to benefit from an ad hoc community generated by the conference call regarding an event or location (e.g. by promoting interchange of geographically local information such as traffic conditions, shortest queues, best restaurants, open party locations, etc.), as discussed by Weisman.

Consider **claim 64**. Willey discloses a push-to-talk controller in a wireless network for establishing a push-to-talk communication session for an ad hoc group comprising an inviting mobile terminal and other mobile terminals (**see paragraph 0050, where Willey discusses a user equipment UE may initiate a push-to-talk over cellular (PoC) by sending an INVITE request to establish an ad-hoc group session**), the push-to-talk controller comprising:

a presence server (**see paragraphs 0044 and 0047, where Willey discusses a system including a Push-to-talk (PTT) over Cellular (PoC) and a presence server**);

a group server configured to create an ad-hoc group for an ad-hoc group session including the inviting mobile terminal and one or more of the other mobile terminals (**see paragraphs 0044 and 0050**); and

a push-to-talk server configured to establish the ad hoc group session between the inviting mobile terminal and the other mobile terminals in the ad-hoc group responsive to a request from the inviting mobile terminal (**see paragraphs 0044 and 0050, where Willey discusses wherein a user equipment UE may initiate a push-to-talk over cellular (PoC) by sending an INVITE request to establish an ad-hoc group session**).

However, although Willey clearly discloses a system including a presence server wherein an end user may initiate a Push-to-talk (PTT) over Cellular (PoC), sending an invitation –INVITE request- for instant personal talk and ad-hoc instant group communication, Willey does not disclose or explicitly refer to identifying one or more local mobile terminals that are within a local area of an inviting mobile terminal.

Weisman, in related art, discloses identifying one or more local mobile terminals that are within a local area of an inviting mobile terminal (**see col. 8 lines 1-24, where Weisman discusses establishing ad hoc conference call with participants having geographic proximity to a location**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Willey with the teachings of Weisman and have it include establishing ad hoc conference call with participants having geographic proximity to a location, thereby providing means for constraining

participation to those likely to benefit from an ad hoc community generated by the conference call regarding an event or location (e.g. by promoting interchange of geographically local information such as traffic conditions, shortest queues, best restaurants, open party locations, etc.), as discussed by Weisman.

Consider **claim 65**. Willey as modified by Weisman teaches claim 64; and Weisman further discloses wherein the group server is further configured to filter the local mobile terminals identified as being within the local area of the inviting mobile terminal based on a user-specified radius (*radius* reads on *distance* -see Weisman: col. 8 lines 1-6).

Consider **claims 66 and 67**. Willey as modified by Weisman teaches claim 64; and Weisman further discloses wherein the group server is further configured to filter the local mobile terminals identified as being within the local area of the inviting mobile terminal based on a user-specified geographic region (see Weisman: col. 18 lines 32-41).

5. **Claims 48 and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Willey (US 20050124358 A1), hereafter "Willey," in view of Weisman et al. (US 6839417 B2), hereafter "Weisman," as applied to claims 46 and 64, further in view of Winchell et al. (US 20020151321 A1), hereafter "Winchell."

Consider **claims 48 and 60**. Willey as modified by Weisman teaches claims 46 and 58, but does not particularly refer to group communication based on a subject of interest.

Winchell teaches group communication based on a subject of interest (see par. 0045 lines 1-21).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Willey as modified by Weisman and have it include group communication based on a subject of interest, as taught by Winchell, for the purpose of conveniently utilizing network resource by saving cost, as discussed by Winchell (see pars. 0005 and 0006).

### ***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dwayne Bost, can be reached at (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

AG/ag

September 7, 2009

/Dwayne D. Bost/  
Supervisory Patent Examiner,  
Art Unit 2617

